

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 573	DATE	2/15/2008
CASE TITLE	Enrico Levy # A 93734 v. State of Illinois Dept. of Corrections		

DOCKET ENTRY TEXT:

The Plaintiff's motion for leave to file in forma pauperis is denied [3] pursuant to 28 U.S.C. § 1915(g) and the complaint is summarily dismissed for failure of the plaintiff to advise the court that he had "struck out." The case is terminated. Any pending motions are denied as moot. Having brought this action, the plaintiff nevertheless remains obligated to pay the full \$350 filing fee. Before pursuing any future litigation, the plaintiff must pay any outstanding fees. The clerk shall send a copy of this order to the trust officer at Lawrence Correctional Center.

■ [For further details see text below.]

Suzanne B. Conlon
Docketing to mail notices.

STATEMENT

The Plaintiff, Enrico Levy, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 and seeks leave to proceed *in forma pauperis*. The motion must be denied because the plaintiff has accumulated at least three "strikes."

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). At least three of the plaintiff's previous actions have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Levy v. State of Illinois*, 96 C 4939, dismissed 1/21/97; *Levy v. State of Il.*, 96 C 4705, dismissed 3/10/97, and *Levy v. State of Il.*, 96 C 7799, dismissed on 4/22/97. In fact, the court previously advised the plaintiff that he had "struck out." *See Order in 06 C 4449*, on 8/28/06. Notwithstanding his knowledge that he is barred from doing so, the plaintiff has nevertheless sought leave to proceed *in forma pauperis*, and without disclosing his 1915(g) status to the court. Consequently, the plaintiff's effective "fraud" on the court must "lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857 (7th Cir. 1999). The complaint is accordingly dismissed with prejudice, as nothing in the complaint supports an allegation of imminent danger of serious physical injury.

However, having brought this action, the plaintiff remains obligated to pay the full \$350 filing fee. *See* 28 U.S.C. § 1915(b)(1). Before pursuing any future litigation, the plaintiff must pay any outstanding fees.

Suzanne B. Conlon

ste